



**Nursing Care Quality Assurance Commission
Workshop Minutes
July 8, 9, 2004
Dept of Health
310 Israel Rd SE, RM 152/153
Tumwater, WA 98502**

Commission Members present: Cheryl Payseno, RN, MPA, Chair
Karen Brewer, Public Member
Richard Cooley, LPN
Martha J. Herriott, PhD., ARNP
Rev. Ezra Kinlow, Public Member
Judith D. Personett, EdD, RN
Roberta Schott, LPN
Marlene Wells, LPN
Mariann Williams, RN, MPH, ARNP
Susan Wong, MBA, MPA, RN

Assistant Attorney General present: Laura Williams, Assistant Attorney General

Pro Tem Members present: Martin Bernstein, Public member
Jan Claypool, RN, MN
Joan Davidson, RN, MA
Susan Norwood, EdD, RN
Jeanne Vincent, RN, MS, CPHQ
Penelope Woodruff, MS, RN

Staff present: Paula R. Meyer, RN, MSN, Executive Director
Kris McLaughlin, Secretary
Linda Kuntz, Secretary
Joan Wilson, RN, Acting Education Manager
Karl Hoehn, Lead Staff Attorney
Chuck Cumiskey, Nurse Practice Manager
BJ Noll, RN, Acting Nurse Practice Manager
Terry West, Health Service Consultant

Workshop – July 8, 2004 – 8:00AM – 4:30PM

ACTION: The workshop was called to order at 8:30 AM July 8, 2004 by Chair, Cheryl Payseno. Handouts to the workshop items are available upon request by calling the Commission office at (360) 236-4713.

8:00 – 8:30 AM	Introductions, announcements – Cheryl Payseno
8:30 – 9:30 AM	Annual work plans Practice sub-committee – Roberta Schott Education sub-committee – Marianne Williams Discipline sub-committee – Cheryl Payseno
9:30 – 10:30 AM	Disciplinary Process for the Nursing Commission – Cheryl Payseno
10:30 – 10:45 AM	Break

10/15/2004 2:29 PM

10:45 – 11:45 AM	Case Studies – Small group work
11:45 – 1:00 PM	Lunch
1:00 – 2:00 PM	Case Studies – Small group presentations and critique work
2:00 – 2:30 PM	Break
2:30 – 3:30 PM	Role Differentiation of the Assistant Attorney General and Department of Health Staff Attorneys: The Memorandum of Understanding (MOU) – Karl Hoehn, Susan Pierini and Laura Williams
3:30 – 4:30 PM	The Role of the Health Law Judge – Patti Latsch



**Nursing Care Quality Assurance Commission
Business meeting minutes
July 8, 9, 2004
Dept of Health
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Commission Members present: Cheryl Payseno, RN, MPA, Chair
Becky Kerben, Co-Chair
Karen Brewer, Public Member
Richard Cooley, LPN
Martha J. Herriott, PhD., ARNP
Rev. Ezra Kinlow, Public Member
Judith D. Personett, EdD, RN
Jacqueline Rowe, RN
Roberta Schott, LPN
Marlene Wells, LPN
Mariann Williams, RN, MPH, ARNP
Susan Wong, MBA, MPA, RN

Assistant Attorney General present: Laura Williams, Assistant Attorney General

Pro Tem Members present: Martin Bernstein, Public member
Jan Claypool, RN, MN
Joan Davidson, RN, MA
Susan Norwood, EdD, RN
Jeanne Vincent, RN, MS, CPHQ
Penelope Woodruff, MS, RN

Staff present: Paula R. Meyer, RN, MSN, Executive Director
Kris McLaughlin, Secretary
Linda Kuntz, Secretary
Joan Wilson, RN, Acting Education Manager
Debra Evans, RN, Acting Chief Investigator
Karl Hoehn, Lead Staff Attorney
Chuck Cumiskey, RN, Nurse Practice Manager
Terry West, Health Service Consultant

1. Opening—Cheryl Payseno, Chair

- Call to Order
- Introductions
- Order of Agenda
- Correspondence
- Announcements

ACTION: Cheryl Payseno, Chair, called the meeting to order at 8:30AM July 9, 2004. A decision was made to move agenda item #5 before item #4.

2. Consent Agenda—DISCUSSION/ACTION

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.

- Approval of minutes
 - NCQAC business meeting May 14, 2004
- Budget report
- June 2004 HPQA#6 Organizational chart
- Letter dated May 10, 2004 from The American Society of Anesthesiologists and the American Association of Nurse Anesthetists on Joint statement regarding propofol administration
- Letter dated May 18, 2004 from State of New Jersey, Assistant Attorney General's (AAG) office regarding temporary visa to sit the NCLEX examination
- Letter dated May 26, 2004 from Bonnie King on HPQA changes
- Board, Commission, Committee memo dated June 21, 2004
- Letter dated June 18, 2004 from Commission on Graduates of Foreign Nursing Schools (CGFNS)
- Subcommittee minutes
 - Education report 2003-2004
 - Discipline Subcommittee June 9, 2004
 - Practice Subcommittee April 21, 2004
 - Practice Subcommittee May 19, 2004
 - Practice Subcommittee June 16, 2004

DECISION: A decision was made to remove the letter from Bonnie King dated May 26 regarding HPQA changes to the Executive Director report for discussion.

ACTION: A motion was made and passed to approve the consent agenda with the addition of the Education subcommittee minutes.

3. Chair Report – Cheryl Payseno – DISCUSSION/ACTION

- Last minute continuances

DISCUSSION: Cheryl Payseno spoke to the commission on disciplinary cases. There has been concern from the public as to why the cases take so long. There was discussion on last minute continuances and hearing panels being continued or cancelled.

DECISION: Cheryl will continue to work with the Attorney General office on their roles and issues such as resolving disagreements, complex cases and use of expert witnesses.

5. Executive Director Report – Paula Meyer - DISCUSSION/ACTION

- Operating Agreement – annual report

DISCUSSION: Paula Meyer reviewed the strategic plan to ensure the Nursing Commission is in compliance. A list of approved evaluators for the NCLEX item development panels for January 1 through July 2004 was shared with the commission.

DECISION: A decision was made to accept the strategic plan for 2001-2004. Judith Personett volunteered to be on the strategic plan workgroup for 2004-2006.

- Report from June 22 Washington Nursing Leadership Council meeting

DISCUSSION: The commission will become invited guests at the WNLC meetings for specific agenda items. Linda Teiman has been hired as the Executive Director. The members of the Center for Nursing are working on revising the articles of incorporation to remove the Nursing Commission and its members from the board at this time.

- Open Public Meetings Act and ballots

DISCUSSION: Laura Williams, AAG, explained the provision in the open public meetings act relating to voting and ballots. The commission voted by ballot at the May meeting for the Commission Chair and Vice Chair but the ballots were not displayed and therefore are void.

DECISION: A decision was made that the members present today will vote by show of hands.

ACTION: A motion was made that the slate of nominees from the March meeting will be nominated for Chair and Vice Chair. Rev. Ezra Kinlow and Roberta Schott asked to be withdrawn. A motion was made and passed to elect Judith Personett as Chair and Jackie Rowe as Vice Chair.

Washington Health Professions Services (WHPS) returnees – Karl Hoehn and Debra Evans

DISCUSSION: Karl Hoehn explained that failure to comply with WHPS is not a violation in itself. Another investigation is ordered as to why licensees that are in the WHPS program did not meet the terms of compliance. Once the investigation is complete, the summary along with the initial investigation is forwarded to legal unit. The Legal unit submits the original case with new investigative findings to the Reviewing Commission Member (RCM) and any action that may be taken is dependent on the new investigation.

- National Council of State Boards of Nursing (NCSBN) Annual meeting Delegates selection

DECISION: Judith Personett, Roberta Schott and Paula Meyer will attend the Annual Meeting and House of Delegates session for the NCSBN in Kansas City in August. Each state and territory has two delegates who will be voting on the resolutions and nominees.. Roberta Schott is a member of the resolution committee and her attendance and expenses are paid for by the NCSBN.

ACTION: A decision was made that Judith Personett and Roberta Schott will be delegates for Washington State and Paula Meyer will be alternate. A motion was made and passed for the delegates to put the name of Judith Personett forward for the Area 1 Director at Large position. The director at large positions carry a one year term of office.

4. Election of Officers – Cheryl Payseno – DISCUSSION/ACTION

- Newly elected officers will take their place and begin their terms. Dr. Judith D. Personett, EdD, RN, is the newly elected chair of the Nursing commission. Jackie Rowe, RN, is the newly elected vice-chair.

DISCUSSION: Cheryl Payseno presented Judith Personett with a new gavel as the 2004 NCQAC Chair. Judith explained her background and that she is very concerned about education and safe nursing.

- Sub-committee assignments, panel members, and pro tem member assignments.

STEERING SUB-COMMITTEE:	2004-2005	PRACTICE SUB-COMMITTEE:	2004-2005
<i>Commission Chair</i>	Judith Personett	<i>RN Commission member – Chair</i>	Judith Personett
<i>Commission Vice Chair</i>	Jackie Rowe	<i>LPN Commission member</i>	Richard Cooley
<i>Practice Chair</i>	Judith Personett	<i>ARNP Commission member</i>	Martha Herriott
<i>Education Chair</i>	Marianne Williams	<i>Pro Tem members</i>	Shannon Fitzgerald and Jeanne Vincent
<i>Discipline Chair</i>	Jackie Rowe	<i>Staff – Practice Manager</i>	Chuck Cumiskey
<i>Staff – Executive Director</i>	Paula Meyer		
EDUCATION SUB-COMMITTEE	2004-2005		

NPAP Panel A		NPAP Panel B	
<i>RN/Chair</i>	Joan Davidson	<i>RN</i>	Susan Wong
<i>Pro tem – Private, BSN</i>	Jan Claypool	<i>RN/Chair</i>	Susan Woods
<i>Pro tem – ADN, LPN</i>	Carolyn Nelson	<i>Pro tem – AND, LPN</i>	Carol Nelson
<i>Public Member</i>	Karen Brewer	<i>Pro tem – Private, BSN</i>	Susan Norwood
<i>Staff – Education Manager</i>	Joan Wilson	<i>Public Member</i>	Martin Bernstein
		<i>Staff – Education Manager</i>	Joan Wilson
PANEL #1	Tuesdays every 4 weeks 8:00PM	PANEL #2	Mondays, every 4 weeks 7:30PM
<i>ARNP</i>	Marianne Williams	<i>ARNP</i>	Martha Heriott
<i>RN</i>	Susan Wong	<i>RN</i>	Cheryl Payseno
<i>LPN</i>	Roberta Schott	<i>LPN</i>	Richard Cooley
<i>LPN</i>	Marlene Wells	<i>PUBLIC MEMBER</i>	Ezra Kinlow
<i>PUBLIC MEMBER</i>	Karen Brewer	<i>RN</i>	Jan Claypool
<i>RN</i>	Jackie Rowe	<i>LPN</i>	Marlene Wells

DECISION: A decision was made to accept the 2004-2005 assignments to Sub Committees and charging panels with corrections. Cheryl Payseno volunteered to be Susan Wong's mentor and Richard Cooley's mentor will be Marlene Wells.

6. Discussion items - DISCUSSION/ACTION

If items are selected for action and a task force assigned, the group will meet once, complete the charter and then come to the next meeting for decision to proceed.

DISCUSSION: A question was asked why the NPAP decisions are not published in the NCQAC minutes. When there are NPAP decisions they are published in the NCQAC business meeting minutes under the consent agenda.

7. Proposed future disciplinary hearing dates – DISCUSSION/ACTION

- A list of proposed hearing dates and locations are listed in the packets. Legal staff is requesting that each commission member review the dates and their availability. Dates and locations will be confirmed. Panel members will be recommended.

DECISION: The commission and pro tems members submitted their availability dates to legal staff.

8. Rules Update – Kendra Pitzler – DISCUSSION/ACTION

- Priority list of rules and management of process
- Nurse Delegation – RN, NA
- Nursing Technicians
- Nursing Education

DISCUSSION: Kendra Pitzler reported on the list of priorities for Nursing Education rules, foreign trained nurses, Nursing definitions and Licensing and Nursing Assistant rules. The ARNP rules have some areas suggested for improvements and will be added to the priority list for consideration to open in the future. The list of priorities was acceptable. Ms. Pitzler gave an update that the hearings for the Nursing Technician permanent rules and the Registered Nurse and Nursing Assistant rules with Nurse Delegation permanent rules were held. The three sets of permanent rules have been filed with the Code Revisers office.

9. NCQAC position description for subcommittees – Cheryl Payseno - DISCUSSION/ACTION

- Recommend approval of the committee charters for the subcommittees.

ACTION: A motion was made and passed to accept the position descriptions with amendments. A full set of position descriptions has now been approved by NCQAC including the sub-committee charters, the officer position descriptions, and the NPAP policy.

10. Continuing competency – Cheryl Payseno – DISCUSSION/ACTION

- Update of July 8 meeting

DISCUSSION: Cheryl Payseno presented the continuing competency task force charter and work plan to the commission. The NCQAC is mandated to protect the public by ensuring the continuing competency of licensed nurses. The commission intends to establish a process, and determine performance criteria, for licensed nurses to provide continuous and objective evidence of their continuing competency. Plans are being made to hold a full day workshop in Kent on September 13 and a half day workshop on October 11 in Eastern Washington. A draft white paper will be presented at the November 5 commission meeting. The task force will receive feedback and incorporate comments at this meeting. The plan for the implementation phase will begin January 2005. June Smith from NCSBN will be a participant by conference call.

ACTION: A motion was made and passed to accept the continuing competency charter and work plan as written.

11. ARNP business - Marianne Williams – DISCUSSION/ACTION

- Task force on Scope of Practice
 - Present task force charter which includes tasks and timelines
 - Task force members: Marianne Williams, Shannon Fitzgerald, Laura Williams (AAG) and Chuck Cumiskey.
- ARNP Continuing Education Audits – Terry West
 - Annual report on the audits and results
- ARNP application report – Terry West
 - Report on number of applications that have exceptions and outcomes

DISCUSSION:

- Task force members Marianne Williams Lead and Chuck Cumiskey staff, reported that the group plans to start work on this project in the summer of 2005. The group will consist of ARNP's from each of the specialty groups, which is identified in WAC 246-840-310
- Terry West gave a report on the continuing education audits for ARNP's. The audits are randomly selected and the majority of ARNP's are in compliance.
- Terry West reported on the number of continuing education audits that have been completed since November 2003 to present. Ms. West reported that there were no exceptional ARNP applications in the last year that necessitated special review.

12. Nursing Assistant Caregiver Training Task Force report –Chuck Cumiskey– DISCUSSION/ACTION

The Nursing Commission was legislatively directed to review the caregiver curriculum developed by Department of Social and Health Services (DSHS) and recognize competencies that were in common. The task force will report on their progress.

DISCUSSION: BJ Noll gave an overview of the Task Force Charter comparison of Caregiver and Nursing Assistant Competencies. The Caregiver task force was developed to meet the requirements set forth in Substitute Senate Bill 6502. The Department of Social and Health Services will develop a long term care training curriculum and shall work with the DOH staff to compare this with the current requirements for nursing assistants.

DECISION: An update will be given at the Nursing Commission meeting in September 2004.

11:00 AM to 11:30 AM Executive Session if needed

- The Executive Session is that part of a regular or special meeting that is closed to the public.

An executive session was held to discuss with the AAG who is legal counsel to the Commission, matters relating to enforcement actions or litigation or potential litigation.

LUNCH

1:00PM–OPEN MIKE - Open mike is for public presentation of issues to the Nursing commission. If the public has issues regarding disciplinary cases, please call: 360-236-4727.

13. Practice Subcommittee—Roberta Schott—DISCUSSION/ACTION

- Update on the revised Vagal Nerve Stimulator (VNS) position statement

DISCUSSION - Roberta Schott reported that the task force has been working on the VNS statement and will meet next week.

DECISION: The Commission rescinded the February 1999 VNS advisory opinion. The Commission directed the Practice Subcommittee to evaluate the existing advisory opinion to determine if the scope of the opinion is broad enough, and to consider impact on various practice settings, evaluate alternatives to respond to questions, and include nurse delegation and the Scope of Practice Decision Tree. The workgroup plans to have a draft position statement ready to present at the September NCQAC meeting in the Tri-Cities.

- **Update on the review the revised draft policy B01.01 Verification of Licensure for approval**

DECISION: The Commission directed the Practice Subcommittee to revise policy B01.01 to include online verification and verification from the DOH call center. Judith and Chuck will work on revising the policy with input from Paula Meyer, other HPQA sections, and Facilities and Services Licensing. The Practice Subcommittee plans to submit a final draft at the September NCQAC meeting in the Tri-Cities.

14. Education Subcommittee – Mariann Williams – DISCUSSION

- Update on the immigration laws

DISCUSSION: New Federal immigration laws affect the Commission on Graduates of Foreign Nursing Schools (CGFNS) and their examination. Joan Wilson gave an update on the CGFNS examination and the requirements in Washington WACs for nurse's test. The examination is given to foreign educated nurses to predict how well they will do on the NCLEX exam which is in English.

- **Update on the complaints against a nursing school**

DISCUSSION: The Education subcommittee is working on a policy to address nursing schools that are not in compliance with NPAP decisions

15. Discipline Subcommittee – Cheryl Payseno – DISCUSSION

- Uniform Disciplinary Act (UDA) report

DISCUSSION: Cheryl Payseno explained the UDA report is compiled and sent to the Governor's office on a bi annual basis. The commission has reviewed the draft UDA report. The Nursing Commission has the highest volume of complaints but have closed more cases before investigations. It would be beneficial for other Boards/Commissions to adopt consistent below threshold criteria to be used by staff at case management meetings before the complaint reports are submitted to investigations.

- **Potential revision of the disciplinary worksheet**

DISCUSSION: The worksheet is not a perfect document but the commission is familiar with it and it is easy to use. The Discipline subcommittee recommended that the commission members continue to use the same document as is and if more space is needed for explanations to attach an additional memo to the worksheet.

DECISION: The NCQAC moved and passed the recommendation to continue to use the current worksheet.

DISCUSSION: The Discipline Subcommittee is asking for approval of a draft letter addressing Restricted licenses for Educational Purpose Office of Professional Standards (OPS). The letter would be sent to the respondents who have been ordered to take a refresher program.

ACTION: A motion was made and passed to accept the documents with edits.

16. Judith Personett, Chair of the NCQAC, adjourned the meeting at 1:55PM July 9, 2004.